

**LOCAL EDUCATION AGENCY**

**PLAN/APPLICATION PACKET**

**2006-07 School Year**

**For sub-grants supported from funds available**

**under the provisions of the**

**Individuals with Disabilities Education Act**

**through the Area Education Agency**

**For the provision of Special Education and Related Services  
To Children and Youth with Disabilities**

## **Individuals with Disabilities Education Act (I.D.E.A) Plan/Application, Amendment and Reporting**

### **General Overview:**

This is a general overview of the steps involved in the application, amendment and reporting processes related to programs and services that will be described in the plan/application.

### **In order for a local district to receive funds under Part B it must have the following:**

#### For the first payment

1. Prepared and submitted an approvable application, including a signed Statement of Assurances to their Area Education Agency. The local district should have a notice from their AEA of receipt, review and approval of their application.
2. Prepared and submitted a final report covering their previous year's project.

#### For the second payment

1. Submit to the AEA a mid year report detailing the expenditures from July 1 through December 31. Due on February 15<sup>th</sup>. If all funds are expended at the mid year point the LEA should submit a final report, including narrative, in lieu of the mid year report.

#### For the third payment (if necessary)

1. Submit to the AEA a final report, including narrative. Due by August 1<sup>st</sup>.

### **I. Announcement of Subgrant Amounts.**

At the earliest possible date estimates of grant amounts will be made available to applicant agencies. This provides planning time for the entire program of services of which the federally supported projects are a part. When the State Education Agency receives grant award document, a written notification indicating the official amount of grants will be forwarded to Area Education Agencies (AEA) and subsequently to Local Education Agencies along with the appropriate application forms. This information will be available on the Iowa Department of Education's Website.

### **II. Review of the Plan/Application**

There are three parts to the Plan/Application. Part I contains the applicant agency information. Part II addresses the Utilization of Funds requirement by providing information regarding personnel, services, and activities to be supported under the project. Part III contains the Assurances which are "boiler plate" statements required of the applicant which assure that the program is operated in a manner consistent with the federal and state requirements.

### **Applications must be submitted by the local districts to the AEA by Friday, September 8, 2006 at 4:00 P.M. C.D.T.**

Each of these Plan/Applications will be reviewed by appropriate staff in the AEA to ensure that the planned use of Part B funds is in accord with the federal statute and attendant regulations governing Part B. If questions or concerns arise during this review process the applicant will most likely be contacted by telephone for clarification and may be required to submit additional documentation or provide a written explanation addressing any areas of concern. If warranted, certain issues may require a written notice from the AEA, identifying the area(s) of concern and requesting in writing explanations, clarification or modifications. Such written notices and attendant responses are directed at ensuring that the Plan/Application and district programs, policies and procedures meet federal and state requirements and result in an approvable Plan/Application.

### **III. Approval**

Once the Plan/Application has been reviewed and is in approvable form, an approval letter will be forwarded to the applicant agency. The letter will contain information on the approved amount, assigned project number, operational period, and the C.F.D.A. (Catalog of Federal Domestic Assistance) number related to the fund source. Periodic financial reporting forms and instructions will accompany the project approval. The spending period for these funds will be twelve months, from July 1 until June 30<sup>th</sup>. At the end of twelve-month period, if the district has not been able to expend their dollars, the unused funds cannot be carried forward and will revert to the AEA for further disposition. The personnel services and activities must occur within the July 1<sup>st</sup> through June 30<sup>th</sup> availability period to be charged to Part B funds. Any program materials, supplies, instructional or other equipment for special education or any other goods or services for

special education must be received within the July 1<sup>st</sup> through June 30<sup>th</sup> time frame for which the Part B allocation is made available.

#### IV. Reports

As previously mentioned, you will receive with the project approval a packet containing Periodic Report of Expenditures and Request for Funds forms. The local district shall submit a **mid year financial statement** to the AEA which reflects the use of the Part B fund for the July through December period. That report is **due to the AEA by February 15, 2006**. The application budget page is designed for use in an application and for reporting of expenditures, both mid year and final end of year expenditure reporting.

The final report utilizes the application forms and is due 30 days following the project's end date. The final report would include the cover page used in the application process only it should be marked for a FINAL REPORT. The budget and expenditure page is the second piece and the third section should contain a brief description of how the funds were used in the district's special education instructional program.

***If a district chooses to use these funds for the increase in costs over last year's costs it is possible to forego the mid year report and submit the final report. In that situation the district must be able to document expenditures for the July through December period that would be at least equal to or greater than the amount of the federal funds available. The final report contents indicated herein would apply.***

#### V. Amendments

During the operational period of the Plan/Application situations may arise which would necessitate modifications to the approved Plan/Application, such as a supplemental federal appropriation, personnel or staff changes, revised priorities regarding utilization of funding, and adjustments in other fund sources. Amendment requests shall be in writing. Such requests will identify the specific part(s) of the Plan/Application affected and describe the changes requested. Requests should include when practicable the specific part of the Plan/Application as it would be amended. As an example, the most frequent amendment requests are related to budget and personnel. These can often be addressed by submitting the revised budget pages and an amendment request letter that provides a description of the requested changes.

Amendment requests depending on the area(s) affected will be processed by the AEA in a manner similar to the approval process. A written response to the request will be forwarded.

#### VI. Payment of Funds

Payments of Part B funds to local districts will be processed through the Area Education Agencies. The schedule calls for up to three payments.

The first payment will be processed by the DE upon receipt of the LEA Application Summary report from the Area Education Agency. An AEA prepares that report from the approved LEA applications. That report is due to the DE October 1st with payments processed and forwarded to the AEA by late October or early November.

The second payment will be processed by the DE upon receipt of the Summary of LEA Mid Year Expenditure report from the AEA. That report is prepared from the mid year expenditure reports the LEAs submit to the AEA. For LEAs employing the "spend federal funds first" approach the final report could be substituted for the mid year report if the LEA can document expenditures in special education programs equal to or greater than the amount of Part B funds available to them. The reports are due to the AEA by February 15<sup>th</sup> whether a mid year or final. The AEA will prepare the Summary and transmit it to the DE by mid March. Payments will be processed by mid April. If the LEA submits a final report (spend federal funds first), this payment would be the final payment for the year for the LEA and the project would be complete. The LEA would still be responsible for submitting financial information on the Special Education Supplement Certified Annual Report

The third payment will be processed by the DE upon receipt of the year-end summary from the AEA. The year-end summary will be prepared by the AEA from year-end reports submitted by the LEAs. Any balance due would be processed upon receipt of the year-end summary.

**APPLICATION INSTRUCTIONS  
For Completion of PLAN/APPLICATION  
For I.D.E.A.**

**TO BE COMPLETED BY APPLICANT AGENCY**

**PART I. GENERAL INFORMATION**

- A. Title of Project:** Completed
- B. Applicant Agency:** Enter the legal name and complete address of the applicant agency and the administrator of the applicant agency.
- C. Project Contact:** Enter the name and other identifying information of the contact person directly responsible for project services.
- D. Project Duration:** Enter the operational period of this project in month/day/year fashion, i.e., This will be July 1st through June 30<sup>th</sup>, which follows the State fiscal and school year.
- E. Type of Form:** Indicate by check in the appropriate space whether this form is being used as a **Project Application, Project Amendment, or Final Report.**

**Part II. USE OF FUNDS**

Page 1.

**Project Budget:**

The Budget form provided follows the same structure as that found in the Special Education Supplement to the Certified Annual Report (CAR). Local districts should be familiar with this structure and the Uniform Financial Accounting structure utilized should facilitate proper accounting for and reporting of expenditures of the federal funds available through this program. There are four columns. Column 1 contains the expenditure item; column 2 is utilized for the application process; column 3 shall be used for final reporting of expenditures at the end of the 12-month operational period; column 4 shall reflect any unexpended balance at the end of the 12-month operational period.

**Application:** After reviewing the guidance document on use of Part B funds an applicant will develop a plan for use of the funds in one or both expenditure categories. The application budget is entered in column 2.

**Use of Funds: General:** These federal funds are available for a twelve-month period to be used for special education instructional program costs. They are available to cover actual events that occur within the July 1<sup>st</sup> through June 30<sup>th</sup> school year for which the Part B funding is available. Such costs can be through provision of services directly by a district or under a contractual arrangement with another district or AEA for instructional services. The funds should not be utilized for support and related services normally provided in the cadre of services from the Area Education Agency. These funds cannot be carried forward to the next school year.

**Options:**

For the 2006-07 school year there are two options for local districts to utilize Part B funding. One is to cover the increase in the excess cost of special education. This is the same as in previous years. The second involves the early intervening services feature of IDEA 2004.

**1.) Excess Cost of Special Education:** A district in preparing the application may enter a detailed budget using lines 1 through 8 of Column 2 or could make an entry only on line 9 of Column 2. Either method indicates that the district plans to use these funds to the excess cost of special education that could include covering any projected deficit for special education programs or the increase in costs over the prior year's costs. Increased excess costs, if any, would be those costs of normal and usual operations over and above the previous school year. Such costs might include teacher salary adjustments (salary steps) or cost of living adjustments, increased costs of health insurance or other benefits, adding classroom(s) to meet the needs of identified students, or meeting increased service needs of students. If there is not an increase in the cost of the special education program, Part B funds are to be used first in covering special education program costs.

**2.) Early Intervening Services Option:** A district may use no more than 15% of the funds made available for a school year under IDEA, Part B, to develop and implement, coordinated early intervening services as described in Section 613, "Local Education Agency Eligibility" of P.L. 108-446 (Sec 613 (f) Early Intervening Services). Use of this option reduces the amount that would be available for Option 1 above by the amount used for early intervening services. If a district has a total of \$50,000 available, up to \$7,500 (15%) may be used for early intervening services leaving \$42,500 for "Option 1". A district may use less than the 15% for early intervening services.

A district may use the funds to develop and implement coordinated early intervening services for students, K-12, with particular emphasis on K-3, who have NOT been identified as needing special education or related services, but who need additional academic and behavioral support to succeed in general education. Activities that a district may carry out with these funds in support of the implementation of a coordinated system of early intervening services fall into two areas. The **first** is professional staff development for teachers and other school staff to enable them to deliver scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software. The **second** area includes educational and behavioral evaluations, services and supports.

**A district that chooses to use this option obligates the district to annual reporting requirements related to children who are recipients of such services supported with Part B funds. The district must report annually to the State the number of students served by IDEA supported early intervening services. Additionally the district must report annually to the State the number of children receiving IDEA supported early intervening services that subsequently (within two years) receive special education services. This requires a two-year tracking system to be maintained by the district. Arrangements have been made to provide for reporting in Project EASIER. This data can be cross checked with other special education student data as well as special education expenditure data provided to the Area Education Agency and to the Department through the special education supplement to the Certified Annual Report. If students are reported as receiving early intervening services the Department will look for expenditures to be reported. If expenditures of Part B funds are reported for early intervening services, the Department will expect to see students reported as receiving early intervening services.**

Page 2

**Listing of Contracted Services:** Provide a complete listing of contracted services that are to be funded under this project. Include the name of the agency or individual contracted with, a description of the service(s) that are to be provided, and the amount of the contract. Describe how the contract will provide or improve services for children with disabilities.

Page 3

**Justification: Equipment Purchases, Building Modification(s):** Present a justification on page 4 for any instructional equipment or other equipment with a **unit acquisition cost of \$5,000.00 or more** that you propose to purchase with project funds. Also, provide a description and justification for any capital outlay involving building modifications. Be advised that federal funds utilized to acquire equipment also require equipment inventorying and there is a federal interest in that equipment for the usable life of such equipment. The equipment must be ordered and received within the July 1<sup>st</sup> through June 30<sup>th</sup> availability period in order to be charged to this year's allocation.

PAGE 4

**Proposed Purchases of Equipment:** Provide a complete listing of proposed equipment purchases within the project budget. Information required is stipulated on the form.

Page 5

#### **Use of Funds Narrative:**

Provide a description of the activities, programs and services that will be supported under this project and how these will be executed to achieve the project objectives. Include such items as data to support the needs to be addressed, staff assignments, number of children in each activity, facilities to be used, specific resources, methods and procedures to be employed in conducting the activities. In using Part B funds to cover the increased excess costs of providing special education the applicant shall provide a brief description of which category or categories of

expenditures will be involved. The narrative can be as simple as a statement to the effect that the district will use the funds available to cover an anticipated deficit.

### **PART III. ANNUAL ASSURANCES**

Part III contains all of the annual assurances that a subrecipient agency must provide the Area Education Agency. Please review these assurances carefully to ensure that your agency has the proper policies and procedures in place to meet the requirements addressed in these assurances. After you have carefully reviewed these have the appropriate authorized official in your agency sign and date the assurances on the last page of Part III. Assurances.

#### **Final Report:**

At the end of the operational period the applicant shall report on the appropriate lines in column 3 the expenditure of only the Part B funds for this project. If the applicant selected in the application budget line 9 "Increase in Excess Cost", the district will need to report in which line item(s) the federal funds were used. If the applicant exercised the early intervening services option, there are lines for reporting expenditures made on the specific allowable activities under that option. Proper use of the Uniform Financial Accounting structures should facilitate the tracking of project funds from revenue through expenditure.

**LEA APPLICATION  
FOR**

**FEDERAL FINANCIAL ASSISTANCE FOR THE EDUCATION OF INDIVIDUALS WITH DISABILITIES  
UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT  
APPLICATION, AMENDMENT, AND REPORT FORM**

**PART I: GENERAL INFORMATION**

**FOR COMPLETION BY APPLICANT AGENCY**

**A. TITLE OF PROJECT: IDEA, Part B Local District Services, 2006-07**

**B. APPLICANT AGENCY**

**1. Name of Administrator (Last, First, Middle Initial)**

**2. Name of Agency**

**3. Number and Street**

**4. City State Zip Code**

**5. Area Code Number  
Ext.**

**C. PROJECT CONTACT**

**1. Name of Contact (Last, First, Middle Initial)**

**2. Name of Agency**

**3. Number and Street**

**4. City State Zip Code**

**5. Telephone Number:**

**6. FAX Number**

**7. E-Mail Address:**

**D. PROJECT DURATION**

**FROM:**

**TO:**

07 / 01 / 2006

06 / 30 / 2007

TYPE OF FORM	CHECK ONE
APPLICATION	
APPLICATION AMENDMENT	
FINAL REPORT	



## Part II. USE OF FUNDS (2006-07)

## USE OF FUNDS (Check one)

\_\_\_\_\_ Mid Year Expenditure (July 1 - December 31: Due to AEA Feb. 15<sup>th</sup>)

\_\_\_\_\_ Final Report of Expenditures (Cumulative, Due no later than August 1, 2007, may be submitted earlier)

## IDEA, Part B, PROJECT BUDGET/APPLICATION

**APPLICATION:** Give projected expenditure for each applicable line item    **REPORT:** Give actual expenditures

1		2	3	4
Expenditure Account		Special Education Instruction	Early Intervening Services (Optional)	Total Budget for IDEA, Part B Funds
1. Salaries (Instructional)				
2. Employee Benefits				
3. Employee Travel				
4. Supplies & Materials (Consumables)				
5. Contracts (Non Tuition) *				
6. Pupil Transportation				
7. Equipment (Instructional)**				
8 Tuition				
9. Increase in Excess Costs***				
10. Early Intervening Staff Development****				
11. Early Intervening Behavioral Evaluations, Services & Supports.****				
12. Total				

\*For any expenditure in this category provide a listing of the contracted services obtained in this project.

\*\*For any expenditure in this category, provide a justification and listing of the equipment or building Modification costs to be charged to this project.

\*\*\* A district in applying for Part B funds may make a single entry here of the entire amount or may distribute that amount among the line items 1 through 8. These amount(s) will be used to cover the increase in excess cost of special education services due to normal operational cost increases from last year. For final report purposes line 9 cannot be used

\*\*\*\* Early Intervening Services can be no more than 15% of the total available and carries additional data requirements, refer to the instructions for more specific details. A description of the early intervening services system in the district and the activities to be supported with IDEA funds must be included in the application narrative.

**Part II. USE OF FUNDS. (2006-07)****A. Listing of Contracted Services**

Provide a listing of contracted services that are to be supported with project funds. Give the name of the agency or individual contracted with and the service(s) they are to provide for the applicant agency.

**Part II. USE OF FUNDS: (2006-07)****B. Justification: Equipment Purchase**

Give justification for any capital outlay item(s) included in proposed project budget.

**Part II. USE OF FUNDS (2006-07)****Proposed Purchase of Equipment**

This form is to be completed and forwarded with the project application or amendment if the proposal provides for the purchase of any equipment. Justification of these proposed purchases must be presented on page 2, Item B of Part I of the project application form. A complete listing of all items along with the other information requested relative to these items should be presented on this form.

Item Description	Vendor	Quantity	Estimated Item Cost	Total Cost
			Page Total	

**Part II. USE OF FUNDS (2006-07)**

**NARRATIVE**

**Part II. (a)** Provide a brief description of how Part B funds will be used to supplement state and local funding (weighted funds) in your district's special education program.

**Part II. (b)** If your district will be using IDEA funds to develop and implement a system of early intervening services, provide a detailed description of the system and the specific allowable activities that IDEA funds will support for the operational period of this project.

**PART III. ANNUAL ASSURANCES**  
**2006-2007**

**DUE DATE: SEPT. 8, 2006**  
**(File with Area Education Agency)**

**Individuals with Disabilities Education Act**  
**Part III, Annual Assurances**

**AGENCY:** \_\_\_\_\_

**76.700(300.220): Policies Consistent with Statutes.**

This applicant agency hereby assures that the activities covered by this application will be administered and implemented in accordance with all applicable statutes, regulations, program plans, and applications. Including procedural safeguards as required by this act, State Statutes, Iowa Rules of Special Education, and this State's Eligibility Document. The procedural safeguards in question relate to least restrictive environment, due process, nondiscriminatory testing, and evaluation and area detailed in 300.121-300.156. (USC 20, Sec.1232e (b)).

**300.184: Excess Cost and Non-Supplanting.**

This applicant agency hereby assures the area education agency (AEA) that the expenditure of funds provided to said applicant agency under this Act (i) shall be used to pay only the excess costs directly attributable to the education of children with disabilities, (ii) shall be used to supplement and to the extent practicable, increase the level of state and local funds expended for the education of children with disabilities and in no case to supplant such state and local funds, except as provided under 34 CFR 300.233. (20USC, 1401(7), 1413(a)(2)(A)) Further the applicant agency assures the AEA and the State that if the applicant agency chooses to use funds available under this Act to implement early intervening activities in conjunction with other funds available or used for such services that funds under this Act will supplement and not supplant such other funding for early intervening services.

**300.240: Information for the State Education Agency (SEA).**

This applicant agency hereby assures the AEA that it will provide the AEA and the State Education Agency such information as may be required for the AEA and SEA to carry out their respective duties under Part B of the Act. Specifically the applicant agency assures that it will comply with and provide information related to, the performance of children with disabilities participating in programs carried out under Part B of the Act. The information required addresses the requirements in 300.137, Performance Goals and Objectives and 300.138 Participation in general State and district-wide assessments. The applicant agency further assures that it will meet the data reporting requirements should the applicant utilize the early intervening services feature of the Act.

**76-701: Control of Funds.**

This applicant agency hereby assures that the control of funds provided to this agency under this application and title to property acquired with those funds will be in a public agency and that this public agency will administer those funds and property. . (USC 20, Sec.1232e (b)).

**76-702: Fiscal Control and Accounting Procedures.**

This applicant agency hereby assures that appropriate fiscal control and accounting procedures will be used to insure proper disbursement of, and accounting for, federal funds paid to this agency under this application. . (USC 20, Sec.1232e (b)).

**76-722 & 730: Records and Reports.**

This applicant agency hereby assures that it will (i) Make reports to the state educational agency or board and to the Director as may reasonably be necessary to enable the state agency or board and the Director to perform their duties;  
(ii) Maintain records including records under Section 436 of G.E.P.A. and provide access to those records as the state educational agency or board or the Director decides is necessary to perform their duties. . (USC 20, Sec.1232e (b)).

**1232e (b)(5): Planning and Participation.**

This applicant agency hereby assures that it will provide reasonable opportunities for participation by teachers, parents, and other interested agencies, organizations, and individuals in the planning for and operation of this program. . (USC 20, Sec.1232e (b)).

**1232e (b)(6): Availability of Application, Plans, Reports.**

This applicant agency hereby assures that this application, evaluation, and any periodic project plan or report relating to this project will be readily available to parents and other members of the general public. . (USC 20, Sec.1232e (b)).

**PART III. ANNUAL ASSURANCES**  
**2006-2007**

**Section 613 (a)(6)(B): Purchase of Instructional Materials for Visually Impaired.**

If the applicant agency chooses not to coordinate with the National Instructional Materials Access Center the acquisition and of instructional materials for visually impaired children and youth, the applicant agency hereby assures the State Education Agency that it will provide such instructional materials to visually impaired children and youth in a timely manner.

**1232e (b)(8): Acquisition, Dissemination of Information.**

This applicant agency hereby assures that it has established effective procedures for (i) Acquiring and disseminating to teachers and administrators participating in this program, significant information from education research, demonstrations, and similar projects, and (ii) Adopting promising educational practices developed in this project. . (USC 20, Sec.1232e (b)).

**1232e (b)(9): Use of Funds (General).**

This applicant agency hereby assures that none of the funds expended under any applicable program will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization. . (USC 20, Sec.1232e (b)).

**76.500: Federal Statutes and Regulations on Nondiscrimination.**

This applicant agency hereby assures the state education agency that it will comply with the following statutes and regulations.

<b>Subject</b>	<b>Statute</b>	<b>Regulation</b>
Discrimination on the basis of race, color, or national origin.	Title VI of the Civil Rights Act of 1964 (45 U.S.C. 2000d through 2000d-4).	34 CFR Part 100
Discrimination on the basis of sex.	Title IX of the Education Amendments of 1972 (20 U.S.C. 1681-1683).	34 CFR Part 106
Discrimination on the basis of disability.	Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) as amended by the Rehabilitation Act Amendments of 1992.	34 CFR Part 104
Discrimination on the basis of age.	The Age Discrimination Act (42 U.S.C. 6101 at seq.).	45 CFR Part 90

**76.910: Cooperation with Audits.**

This applicant agency hereby assures the State and Area Education Agencies that it will cooperate with the U.S. Secretary of Education and the Comptroller General of the United States or any of their authorized representatives in the conduct of audits authorized by federal law. This would include access without unreasonable restrictions to records and personnel for the purpose of obtaining relevant information.

**PART III. ANNUAL ASSURANCES**  
**2006-2007**

**CERTIFICATION REGARDING  
 DEBARMENT, SUSPENSION, INELIGIBILITY, AND VOLUNTARY EXCLUSION;  
 LOWER TIER COVERED TRANSACTIONS**

- (1) By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
- (2) The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
- (3) The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted. If at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- (4) The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
- (5) The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
- (6) The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
- (7) A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to check the nonprocurement list.
- (8) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- (9) Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

This certification is required by the regulation implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, Section 85.510, Participants' Responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pp. 19160-19211). Copies of the regulations may be obtained by contacting the person to which this proposal is submitted.

**(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.**

**(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.**



**PART III. ANNUAL ASSURANCES**  
**2006-2007**

**CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS**

A. The grantee certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- (b) Establishing an ongoing drug-free awareness program to inform employees about--
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug-free workplace;
  - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will--
  - (1) Abide by the terms of the statement; and
  - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted--
  - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

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**CERTIFICATION AND ASSURANCE**

**I CERTIFY** that to the best of my knowledge, the information contained in this application is correct and complete and that the applicant agency named in Part I has authorized me, as its representative, to give the above assurances and to file this application.

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SIGNATURE OF AUTHORIZED APPLICANT AGENCY OFFICIAL

DATE

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TYPED NAME OF AGENCY OFFICIAL

TITLE

APPLICANT AGENCY